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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/533,387	07/20/2005	Hans-Erik Hjelmroth	04305/0202820-US0	5182
7278 7590 04/17/2007 DARBY & DARBY P.C. P. O. BOX 5257			EXAMINER GILLIAM, BARBARA LEE	
			1752	
SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	Y MODE
3 MO	NTHS	04/17/2007	PAPER	

# Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Exceletions of them remy be available under the provisions of 37 CFR 1:36(a). In no event, however, may a reply be timely filed  If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (5) MONTHS from the mailing date of this communication.  Failur to reply within the sof or exherated period for reply will, by tatans, cause the application become ABANDOCHO 30 U.S.C. § 133). Any reply neceived by the Office later than three morbits after the mailing date of this communication, even if timely filed, may reduce any seamed paement or secretarily expended and the communication of the mailing date of this communication, even if timely filed, may reduce any seamed paement or secretarily expended by the process of CFR 1:704(b).  Status  1) Separation is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) ±5! is/are pending in the application.  4a) Of the above claim(s) 18-32 and 42-51 is/are withdrawn from consideration.  5) Claim(s) ±17 and 33-41 is/are rejected.  7) Claim(s) ±17 and 33-41 is/are rejected.  7) Claim(s) ±17 and 33-41 is/are rejected.  7) Claim(s) ±17 and 39-41 is/are rejected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on		Application No.	Applicant(s)					
Sarbara L. Gilliam   1752		10/533,387	HJELMROTH ET AL.					
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Repty  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extension of term may be availated under the provisions of 37 CFR. 13(a). In owner, however, may reply be sinkly filled in the provision of the provision of 37 CFR. 13(a). In owner, however, may reply be sinkly filled in the provision of the provision provision. Failure to reply exceeded by the Other later than their mention with the split and the provision of the provision o	Office Action Summary	Examiner	Art Unit					
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - Is an experiment of time may be available under the provisions of 37 CPT 1-130(a). In no event, however, may a reply be timely filed.  - If No provide or reply is specified above, the maximum statustry period will apply and will expire 1x(g) MONTHS from the mailing date of this communication or reply is specified above, the maximum statustry period will apply and will expire 1x(g) MONTHS from the mailing date of this communication, a replaced by the Office status than the fine maining date of this communication, seven if timely filed, may reduce any value parameters them subjustment. San 37 CPTR 1-704(b).  Status  1) □ Responsive to communication(s) filed on 17 January 2007.  2a) □ This action is FINAL.  2b) □ This action is FINAL.  2c) □ This action is FINAL.  2c) □ Claim(s) 1-51 is/are pending in the application.  4a) Of the above claim(s) 15-32 and 12-51 is/are withdrawn from consideration.  4a) Of the above claim(s) 15-32 and 12-51 is/are withdrawn from consideration.  5b) □ Claim(s) 1-17 and 33-41 is/are rejected.  7b) □ Claim(s) 1-17 and 33-41 is/are rejected.  7c) □ Claim(s) 1-18 are objected to by the Examiner.  4pplication Papers  9) □ The specification is objected to by the Examiner.  4pplication Papers  9p □ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) □ The cath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) △ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a) (d) or (f).  a) □ Certified copies of the priority doc								
after SIX (8) MONTHS from the mailing date of this communication.  If NO period to reply is specified above, the maximus abstancy period will apply and will expire SIX (8) MONTHS from the railing date of this communication.  Any reply received by the Office later than three months after the mailing date of this communication, even if smely filed, may reduce any seared patent term adjustment. See 37 CPR 1.704(s).  Responsive to communication(s) filed on 17. January 2007.  2a) This action is FINAL.  2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-51 is/are pending in the application.  4a) Of the above claim(s) 18-32 and 42-51 is/are withdrawn from consideration.  5) Claim(s) 1-17 and 33-41 is/are rejected.  7) Claim(s) 17 is/are objected to.  8) Claim(s) 17 is/are objected to.  8) Claim(s) 17 is/are objected to by the Examiner.  Application Papers  9) The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CPR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CPR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) According to the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  *See the attached detailed Office action for a list of the certified copies	Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA	' IS SET TO EXPIRE 3 MONTH( ATE OF THIS COMMUNICATION	S) OR THIRTY (30) DAYS, N.					
1) ⊠ Responsive to communication(s) filed on 17 January 2007.  2a	after SIX (6) MONTHS from the mailing date of this communication.  If NO period for reply is specified above, the maximum statutory period w Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing	rill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	the mailing date of this communication.  D (35 U.S.C. § 133).					
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Priority under 35 U.S.C. § 119  12) □ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) □ All b) □ Some * c) □ None of:  1. □ Certified copies of the priority documents have been received.  2. □ Certified copies of the priority documents have been received in Application No  3. □ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  *Attachment(s)  1) □ Notice of References Cited (PTO-892)  2) □ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) □ Interview Summary (PTO-413)  Paper No(s)/Mail Date  Paper No(s)/Mail Date  Notice of Informal Patent Application	Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).							
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a) ☑ All b) ☐ Some * c) ☐ None of:  1. ☐ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No  3. ☑ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.  *Attachment(s)  1) ☑ Notice of References Cited (PTO-892)  2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)  3) ☑ Information Disclosure Statement(s) (PTO/SB/08)  * Information Disclosure Statement(s) (PTO/SB/08)  * Information Disclosure Statement(s) (PTO/SB/08)	Priority under 35 U.S.C. § 119							
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Paper No(s)/Mail Date <u>6/1/05,4/28/05</u> . 6)	Notice of Draitsperson's Patent Drawing Review (P10-946)     Information Disclosure Statement(s) (PTO/SB/08)	5) D Notice of Informal P						
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Application/Control Number: 10/533,387

Art Unit: 1752

## **DETAILED ACTION**

#### Election/Restrictions

1. Applicant's election without traverse of Group I, claims 1-26 and 33-47 in the reply filed on January 17, 2007 is acknowledged.

A further election between the following in necessary:

Group IA – claims 1-17, 33-41

Group IB – claims 18-26, 42-47

Because Applicant originally elected claim 1, the Examiner has proceeded with examining claims 1-17 and 33-41 in order to advance prosecution. Accordingly claims 18-32, 42-51 are withdrawn and have not been treated on the merits.

The Examiner apologizes for this inadvertent oversight.

### Information Disclosure Statement

2. The information disclosure statement filed April 28, 2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the no copies of the cited foreign patent documents were filed concurrently therewith. For this reason the cited foreign patents have been lined-through and have not been considered.

Application/Control Number: 10/533,387 Page 3

**Art Unit: 1752** 

# **Claims**

3. The ink of the present application is a product, ultimately comprising polymers or copolymers with acid groups and at least one corresponding amide. Applicant is reminded of MPEP 2113: The patentability of a product does not depend on its method of production. If the product in the product-by-process claim is the same as or obvious from a product of the prior art, the claim is unpatentable even though the prior product was made by a different process." *In re Thorpe*, 777 F.2d 695, 698, 227 USPQ 964, 966 (Fed. Cir. 1985).

# Claim Objections

4. Claim 17 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 17 fails to further limit claim 9.

# Claim Rejections - 35 USC § 102 & 35 USC § 103

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

Application/Control Number: 10/533,387

Art Unit: 1752

only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

- 6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:
  - (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.
- 7. Claims 1-17, 33-41 are rejected under 35 U.S.C. 102(e) as being anticipated by, or in the alternative under 35 U.S.C. 103(a) as being obvious over MATZINGER (US 6,376,611 B1).
- a. In MATZINGER, phase change ink compositions comprising about 0.1% to about 30% of one or more colorants and from about 0.1 to about 99.9% of one or more hybrid polymers are applied to a suitable substrate, such as aluminum, wherein the temperature of the substrate can be adjusted (col. 7, lines 26-40). Any one of known waxes can be used in the ink composition in addition to other polymers, antioxidants, biocides and corrosion inhibitors (col. 5, line 38 col. 6, line 34). The hybrid polymers preferably have a weight average molecular weight in the range of about 500 to about 250,000 and are prepared by chemically attaching one class of polymer to another which can be used in combination with other polymers include other hybrid polymers. Suitable classes of polymers include synthetic polymers such as polyacrylamide, polyacrylic acid, polymethacrylic acid, polyitaonic acid, polymaleic acid, synthetic copolymers such as acylamide/acrylic acid (col. 4, line 50 col. 5, line 37; col. 16, lines 15-35). Although the hybrid polymers and copolymers of MATZINGER appear

Application/Control Number: 10/533,387 Page 5

Art Unit: 1752

to be produced by a different process, said hybrid copolymers anticipate the presently claimed polymers or copolymers of the ink. In the alternative, the presently claimed ink is obvious over the ink compositions of MATZINGER. MPEP 2113.

### **Conclusion**

- 8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- a. Printing forms comprising similar ink compositions are taught by MATZINGER in US 6,689,837 B1, US 6,479,589 B2, US 6,476,146 B2 and KIMURA et al. in US 4,929,469.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Barbara L. Gilliam whose telephone number is 571-272-1330. The examiner can normally be reached on Monday through Thursday, 8:00 AM 5:30 PM.
- a. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cynthia H. Kelly can be reached on 571-272-1526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/533,387 Page 6

Art Unit: 1752

b. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Barbara L. Gilliam Primary Examiner Art Unit 1752

bg April 11, 2007